

THE
ANSWER

OF

Ely Stanyford, and Anthony Colebrooke,

Church-wardens of the

Parish of *P O R T S M O U T H,*

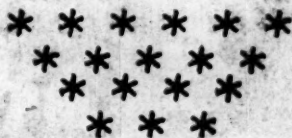
TO THE

PRINTED CASE

OF

W I L L I A M W A R D,

Vicar of the same.

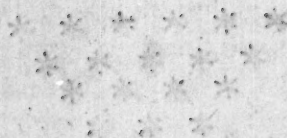


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T H E
A N S W E R
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Ely Stanyford and Anthony Colebrook, Church-wardens of the Parish of Portsmouth, to the Printed Case of William Ward, Vicar of the same.

1st, **T**H E Vicar says, *The usual Way at Portsmouth hath been for the Minister and Parishioners to chuse Church-wardens joyntly, but when they have disagreed, the Minister hath chosen one, and the Parishioners the other.*

The Church-wardens say, 1st, It's true, it hath been always the Custom for the Minister and Parishioners joyntly to chuse Church-wardens, Time immemorial; but his Predecessors did never claim, nor did any Custom ever allow him a separate peremptory Right of chusing one Exclusive of, and in Opposition to, the whole Parish, and which of late Years he hath pretended to, which hath occasion'd so many Disputes and so much Dissatisfaction between him and his Parishioners.

2^{dly}, They say, It's a little absurd that the Minister, who by the Duty of his Office and Function, should be the Author of, and inciter to Reconciliation and good Agreement; and yet that he a-

lone through the Perverseness of his Temper, is the only Occasion of all the Disputes that have happened, by declaring against the Church-wardens chosen by the Parishioners, tho' they have been Unanimous, as they were at the last Election; and he, notwithstanding all the Perswasive Arguments his best Friends could use, would not recede, but would, and did Peremptorily name a third Person, which gave Occasion to all the Disputes that have since happen'd.

2dly, The Vicar says, *That on Easter-tuesday last, the Minister and Parishioners could not agree, and that the Minister chose one Cullymore, and the Parishioners chose Stanyford and Colebrook.*

1st, *They answer,* It's true, they were then chosen by the Parishioners, but that they know of no Disagreement, their Election being unanimous, and sign'd by all the Parishioners present, unless the Vicar's dissenting alone be accounted such, which he did, peremptorily naming *Mark Cullymore* for his Church-warden, (as he call'd him) not one of the Parishioners joyning with him, or so much as acquiescing therein.

The Church-wardens say, 2dly, That before Mr. *Ward* became Vicar of this Parish, the Parishioners were wholly Strangers to such Disagreements, there having never been (that ever they heard of) any Disagreement in the Election of Church-wardens in Mr. *Heather* (his Predecessor's) Days, but always Friendly and Unanimous.

3dly, The Vicar says, *That Mr. Arch-deacon Brideoke, at his Visitation at Petersfield, in May 1709, swore those chosen only by the Parishioners.*

1st, *The Church-wardens in answer thereto say,* It's true, they were sworn at that time, but not without all the Opposition the Vicar could make; for Mr. Arch-deacon proceeded with all the Caution imaginable, by swearing and examining Witnesses (who were Persons of undoubted Reputation) touching the Custom of their Election; but particularly, concerning a reciprocal Agreement made at the Election of Mr. *John Cripps* and Mr. *John Edmonds* for Church-wardens, in *Easter-week, 1708*, they being both Sides-men the Year before, and immediate Predecessors to the present, whereby it was unanimously agreed by the Minister and Parishioners, that they

they would then, and all succeeding Elections, chuse such Persons for Sides-men, as were proper for, and should hereafter be chosen Church-wardens for the Year ensuing, and accordingly they then chose *Ely Stanyford* and *Anthony Colebrooke* (the present Church-wardens) for Sides-men, with Resolution that they should succeed to the Churchwardenship the Year following, at which time *Mr. Ward* was so well pleas'd, that he publickly declar'd he was very glad so good an Expedient was found out to make himself and the Parish easie.

2dly, That all this was fully prov'd before *Mr. Arch deacon*, but *Mr. Ward* desir'd, that he might be sworn, and offer'd to swear, that such Agreement was never made, (if *Mr. Arch deacon* had been as ready to Administer as he to Take the said Oath) tho' quickly after (not an Hour) when ask'd, *How he could say, there was no such Agreement?* (having not Strength again to deny) said, *If any such Agreement was, it was not under Hand and Seal, but only Verbal, and that he was not bound thereby.* If every honest Man ought to keep to his Word, Promise or Agreement, certainly the Priest (if not for Conscience-sake, yet considering how pernicious an Example of this kind may be in him) should not recede from so Publick and Notorious an Agreement as this was, and that after a full Hearing on both Sides, *Mr. Arch deacon* swore them accordingly.

4thly, *Mr. Ward* says, he Appeal'd in due Form to his Diocesan, and Sentence was given in his Lordship's Court, that *Cullymore* chosen by the Vicar, and not *Colebrooke*, was legally chosen.

1st, They Answer thereto, That it's true *Mr. Ward* did Appeal, and that on that Appeal, they were cited into the Consistory-Court at *Winton*, and Inhibited from acting in any respects as Church-wardens, to which they readily yielded all due Observance and Obedience.

2dly, That during their being Inhibited, which was many Weeks, they (being Defendants) did do all that in them lay to bring the Matter to a speedy Determination, and did prove by antient Right, as also by the Joynt Agreement above mention'd, the Legality and Justice of their Election; notwithstanding which the Court was pleas'd to adhere only to the 89th Cannon, which in their Opinion gave the Vicar a Peremptory Right to chuse one Church-warden,

den, and accordingly without regard to the ancient Custom or preceeding Agreements, gave Sentence in favour of Mr. *Ward*.

3dly, That his own Attorney, by Letters under his own Hand to Mr. *Imber*, Proctor for the present Church - wardens, in the Year 1703, occasion'd by a Dispute of this kind, when he appear'd in behalf of the Parishioners, and strenuously opposed Mr. *Ward's* Peremptory Right, did then say in the said Letters, That neither Mr. *Ward* or his Predecessors ever had or could pretend to Claim any such Right; which doubtless he was well assured of, having been very conversant with all the Books, Records, and Customs of the Parish for many Years past.

5thly, The Vicar says, *Stanyford and Colebrooke*, brought an Appeal, which is now depending in the Arches.

1st, *The Church-wardens own*, That immediately after Sentence, or as soon as 'twas possible they did Appeal from the said Sentence to the Arches; being as they conceived bound in Duty, and in discharge of the Trust reposed in them by the whole Parish, not calmly to give up the Rights of the Parish, when a farther Recourse might be had for preserving the same: The doing of which having been since well approved by the Parish at a general Meeting thereof, in a full Vestry, by whom they were empower'd to bring the Matter in Dispute to a full Issue, either at Common-Law, or otherwise, as Council learn'd in the Law should advise, in order to prevent the like Disputes for the future.

2dly, *They say*, They did not remove the Cause into the Arches, with any design to try the same there, but in Order to gain time (it being in the long Vacation when Sentence was given) being advis'd to move the same by Prohibition to Common-Law, where the Custom, the Agreement, and their Election might come fairly before a Jury, and no such Writ of Prohibition being to be obtained out of Term.

3dly, That tho' the Vicar affirms in his Case, the said Appeal brought into the Arches, is now depending (that's wrong) for there was an Injunction granted from the Chancery, to stop the Proceedings in the Arches, which Injunction was founded on the Bill in Chancery brought against him; and how that came to be brought, will hereafter appear.

6thly,

6thly, The Vicar says, That the 4th of July 1709, Stanyford and Colebrooke, caused Mr. Ward to be arrested in an Action of Trover, Damage 150 l. as they pretended, for having in his Possession the Church-plate and Linnen; and, for want of giving a Bail-Bond with Sureties, of the Penalty of 300 l. they sent him to Winchester-Goal, where he was detained about 14 Days, and then was discharg'd by Superseas.

1st, To this they Answer, That they quickly after they were Sworn, did in a modest Manner wait on Mr. Ward, and desired to have the Books and Records, or what else he had in his Custody belonging to the Parish, brought to, and be kept in the Church, pursuant to the 70th Cannon; but instead of a civil Return he told them, He did not know them to be Church-wardens, nor would he give them any Satisfaction therein, and tho' they waited on him several times, and demanded the same before they were Inhibited, they could not get any Satisfaction from him, or indeed any return but *Billingsgate*: They also had began to make an Inventory of all the Church-plate, Pulpit, and Communion-Cloths, and Cushions, Books, Registers, and all other Ornaments and Utensils belonging to the Church, which after they had made a Progress therein, Mr. Ward convey'd away, and would not, nor ever did, return the same again, tho' often demanded.

2dly, That in order to recover the Register, with other Books and Records, with any other Ornaments or Utensils, which were then in his Hands, and still are, for ought they know; they were advised to, and did bring an Action for the same (Damage 150 l.) a small Sum for the Church-Linnen, Pulpit, and Communion Cloths, and Cushions, together with the Books of the Parishes Customs, Orders and Accounts, and particularly the Register-Book, of an unknown Value.

3dly, They say, They were not against the Vicar's giving moderate Bail, but would readily have accepted any that reasonably could have been offer'd, but being arrested in the time of the Free-Mart, he fancied himself protected thereby; and therefore, thro' an obstinate Temper, or ill Advice, declared he would give no Bail, but would go to Goal, and that he did not doubt but to recover 5 l. an Hour for the whole Time he was detained; he continu'd so long in the same obstinate Temper, that the Return of the
Writ.

Writ was expired, and then was obliged to go thither in good Earnest.

4^{thly}, That their Attorney was so far from standing to the Rigour of the Proceedings at Law, that he consented to the Bail, before any *Superfedeas* was granted for the Vicar's Discharge, and that the said Attorney was so far from running Matters to a heighth, that he deliver'd his Declaration before any *Superfedeas* was allow'd by the Sheriff, nor is the *Superfedeas* yet allow'd.

7^{thly}, The Vicar says, *That they (meaning the Church-wardens) exhibited Articles against Mr. Ward, in the Bishop's Court at Winchester, and there proceeded against him for Crimes supposed to be done by him, many Years past, which they have not as yet given any legal Proof of (tho' they have produced many Witnesses.)*

1st, *That the Church-wardens say, and own, They have exhibited Articles against Mr. Ward in the Bishop's Court at Winchester, and have proceeded against him therein (not for supposed Crimes as he Insinuates, but) for real Crimes; many of which are of a very deep Dye, and by him committed not many Years since, and some not many Months, though length of Time since Crimes committed doth but little extenuate the same, when instead of Repentance and Amendment, the same is by him rather repeated, and then justify'd.*

2^{dly}, That the Crimes for which he is prosecuted, is for refusing or wilfully neglecting to Baptise Infants at the Point of Death, and which have dy'd without that Holy Ordinance, when he has had timely Notice thereof, and have been intreated thereto.

3^{dly}, For actually refusing to bury a Corpse that was brought to the Church-yard, to be Interred, though he had legal Notice thereof; nay, he himself was at the House of Mourning and had Gloves there, and yet would not stay for the same: But when the Corpse was at the Church-yard, the Father of the Child went to Mr. Ward, and intreated him to bury the same, but to no Purpose (though then but six a Clock in the Evening;) he was oblig'd to carry it Home again, and provide a second time for the Funeral.

4^{thly}, For refusing to marry a Couple who had been legally Askt, or Bans three times Published, without such Exorbitant Fees, which comes but little short of the Charge of a License, and which the
 Poor

Poor Man at that time could not raise, so that the Man and his intended Wife lived together in Adultery, during her Life, which was not long. The Man had, when he put in the Bars, paid 3 s. 6 d. to the Clark, who told him 2 s. 6 d. was to go towards his Marriage, and yet could not have it Consummated, without paying 11 s. more; he offer'd to give Mr. Ward 2 s. 6 d. more, besides the 3 s. 6 d. already paid, if he would give only a Certificate that he was legally Askt, but that could not be granted neither, he intending to have been married else where, if he could have obtain'd it.

5thly, That Mr. Ward was pleased to say in a vaunting Manner, to several worthy Gentlemen at Wickham, that his Parishioners did him a Pleasure by their Disputes with him, for that he used to go to Tunbridge in the Summer and spend 30 or 40 l. but that they had now found him Diversion as Agreeable, and altogether as good for his Health, and that he did not value it, for that he had made or improved his Vicarage to that Degree, that it was 140 l. a Year more, than when he came first to the same, and that he would make it still more, in spite of them (meaning the Parishioners) which they cannot conceive can be done any other Way, than by Extravagant and exorbitant Exactions on the Poor or meaner sort of People, for the Richer or better sort will not be imposed on by him.

6thly, They could insert a great deal relating to his exorbitant, Demands and Exactions, his Behaviour at Funerals and in the Desk, with many other things, which is fitter for Oblivion than the Light.

8thly, Mr. Ward says, That the 27th of October 1709, they exhibited a Bill in Chancery against him, and there got an Injunction to stay Proceedings in the Arches, and that January the 28th, 1709, served a Rule on this Proctor, from the Court of Queen's-Bench; to shew Cause why a Prohibition should not be granted in that Cause depending in the Arches Court (tho' they themselves brought the Appeal.)

1st, The Church-wardens Answer, That by the Vicar's own shewing, the Cause is not depending in the Arches, by Reason of the Injunction, and if the Injunction be dissolved by his Answer; yet you may easily see that their Intent is to bring it to Common-Law, by

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giving notice of moving for a Prohibition, which may at this present be done.

2dly, That as to the bringing the Bill in Chancery, the Spiritual Business, and the Common-Law Business, might have been brought to one Hearing, but the Vicar would not consent to it, so the more Actions against him, the more he ought to blame himself.

9thly, The Vicar says, 26th of November, 1709, They deliver'd a Declaration to Mr. Bissell (Mr. Wards Attorney) in Trover for the Church-plate, &c. which they had, from the time they became Church-wardens, in their own Custody, and which they have every first Sunday in the Month produced at the Communion Table (excepting Sunday the 7th of August 1709) when in Contempt of that Holy Ordinance, and those well-disposed People that had prepared to Receive the Sacrament of the Lord's Supper, they deny'd them and the Vicar the use of the Church-plate and Linnen, because of which it could not be Administred at that time.

1st, To this Paragraph they Answer, That they never had any true Inventory of the Plate, together with the Pulpit cloth, Communion-cloth and Cushions, with the other Ornaments and Utensils belonging to the Church and Parishioners, and consequently know not, but there may be Plate in his Custody, as well as other things belonging to the Parish, but if there be none, it's presumed that may not make or Marr the Declaration, for if on the Tryal none be proved, none will be recover'd.

2dly, The Church-wardens not delivering the Church-plate for the Service of the Communion, intended on the 1st Sunday in August 1709, was not in Contempt of that Holy Ordinance, or any that were prepared to Receive the same, but in Conformity to the Inhibition before that time served on them, by which they were forbid acting as Church-wardens, on pain of Excommunication, and well knowing they had to do with a Person who lay on the Catch with them, and did urge, that a bare sitting in the Church-wardens seat, was a breach of the Inhibition; no doubt would readily have call'd the delivering and receiving back the Church-plate, an acting in that Office, and consequently Contemnors of the Bishop his Authority.

10thly,

10thly, The Vicar says, *The same 26th of November 1709, they deliver'd another Declaration to Mr. Bissell for 100 l. supposed to have been received for their Use, on presumption that the Right to the Church and Church-yard, and Dues arising from breaking the Ground therein for Strangers, is in the Church-wardens; they have the like presumption, that the Pulpit is theirs, and threatned to pull the same*
 * Person out of it (to whom they gave leave to Preach for Mr. Jones, the Lecturer in the Afternoon) if he presumed to Preach for the Vicar in the Morning; which he declined, and Mr. Ward preached himself.

* Mr. Cocking,
 Chaplain to Col-
 onel Harrison's
 Regiment.

1st, *The Church-wardens say, That they are well advised that the Dues for breaking the Ground for Strangers in the Church-yard, belong to the Parish, and consequently to themselves in Trust, and they can prove that in Mr. Heather's Life-time, the Church-wardens received and accounted for the same; they think Mr. Ward can hardly plead Prescription for it, the time of his first assuming those Dues in wrong to the Parish, being not out of Memory, and they are advised that the proceeding at Common-Law, is the readiest way to recover the same.*

2dly, *They say, That they have as often as they observed any Strangers, being likely to go into the Pulpit desired, both Mr. Ward and the Parson (being a Stranger) to Conform to the 30th Canon, by producing his License, and to the 52d by subscribing his Name, and which they conceive to be a Duty incumbent on them, to demand and see done, by virtue of the said Canons; but the Vicar instead of conforming to the same, hath actually prevented those that would have conform'd, and what he calls a preventing Mr. Cocking's Preaching for him, was only their demanding to see his License, which it's presumed he could not then produce, which made him decline Preaching at that time, and that he did not Preach for Mr. Jones, till he had produced his License, and subscribed his Name conformable to the Canons above, and which was not the same Day, but sometime after.*

3dly, *That Mr. Ward did cross out the Names of Mr. Cocking, and another Gentleman, out of the Parish-Book, who had conform'd to the Canons before mention'd: and also took from them the Church-wardens, a slicht Printed Book, set forth by the Ho-*

nourable and Right Reverend the Bishop of *Winchester*, containing Instructions to the Church-wardens of his Diocese (and others) and which was given to their Predecessors, at the then Visitation, which said Book though demanded, he refused to return, which seems to them as if he were resolved to oppose all Discipline in the Church.

✠ The Vicar says, *The Prosecution now depending in the Bishop's Court at Winchester, the three Suits at Common-Law, and the Bill in Chancery (over and besides the Suit at Doctors-Commons) are all for one and the same Matter; and a pretended Vestry to carry on these Prosecutions against the Vicar, hath made a Tax on the People; their Expences (as the Prosecutors have owned) amount already to about 140 l.*

1st, *They Answer*, The Prosecution in the Bishop's Court is now depending (for *Misdemeanours*) which they have already proved by several Affidavits, and doubt not but to make good, when ever that Matter shall be brought to an Issue.

2^{dly}, In Answer to his three Suits at Common-Law, he has set forth two (but where is the third?) if the Prohibition be granted, then there is no Cause in the Arches, neither is there any Cause in the Arches depending, since the Injunction, unless it be dissolved.

3^{dly}, *They say in Answer to his pretended Vestry*, That they do not doubt the Validity of the Vestry, being duly summoned by publick Notice in Writing, put up at the Church-Doors, the *Sunday* immediately preceeding the same; the Vicar refusing to permit either the Clark or Sexton's, giving Notice of the same on the *Sunday*, immediately after Divine Service, as was the Custom heretofore, but to shew, that he would, as much as in him lay, Obstruct such publick Notice, and consequently the meeting of the Parishioners, he immediately after Morning Service, pulled down and carry'd away the said Paper-writing from the Church Doors.

4^{thly}, That notwithstanding the said Obstruction, the Parishioners did meet at the Vestry, at the Tole of the Bell, pursuant to the said Notice, wherein they unanimously agreed and consented to the Rate then made, and granted to them for defraying the Expences at Law or otherwise, but don't know who did, or could say, they had been already at 140 l. Charge in the Prosecution, being an Untruth.

5^{thly},

sibly, That the Vicar has done all that in him lyes, to prevent the Parishioners paying the said Rate, by going about to many of them, and dissuading them from paying the same, under Pretence of his having a Letter from the Lord-Bishop of *Winton*, forbidding any to pay; and has told several, that had already paid, that the Church-wardens should be obliged to return them their Money again, notwithstanding the said Rate was allow'd, confirm'd and sign'd by the Bishop's Surrogate.

The Vicar says, *There are many other Occasional Sacraments in the Parish-Church of Portsmouth, besides the monthly, for qualifying Gentlemen, both of Sea and Land, for their Offices, who are very liberal in their Offerings; all which the Church-wardens take to themselves, (tho' they do not receive the Sacrament) and dispose of as they please, without the Minister's Consent: This (says he) may be a main Cause why there is such Contending for an Office so Beneficial and Profitable.*

1st, *They answer*, That they make no Distinction between the Offerings received at the Occasional Sacraments, and those received at the Monthly, but dispose of all alike to the Use intended; and that they have often and often sent to, and desired, the Vicar to be present at, and assisting in, the Disposal of the same, which he hath always refused or neglected, and that they can at any time render a just Account of their Stewardship in this or any other Trust reposed in them by the Parish; but very much question whether the Vicar could give any Satisfaction or Account of all the many and large Sums by him taken of the Offering - Moneys for several Years preceding their coming to that Office, if he were called to account for the same, they being inform'd from very good Hands, that his constant Practice hath been to take to himself largely thereof; and when he hath been asked by the then Church-wardens, How he disposed of the same, lest they should give to the same Persons? Instead of giving any Satisfaction therein, reply'd with warmth, (tho' just come from Administ'ring the holy Sacrament) What was that to them; I have a Right to one half thereof. And did never tell
any

any preceding Church-warden how he disposed of the same, tho' the Rubrick directs its being disposed of by the Minister and Church-wardens; which they conceive to be joyntly, and not severally.

2dly, As to the Office being so Beneficial and Profitable, that its presum'd he must know best, being always Contending with the Parish to get in his own Creatures or Favourites; for being ask'd, What he had to object against *Ely Stanyford* and *Anthony Colebrooke*, at the Time of their Election; could make no other Answer, than that neither of them was for his Turn: and not many Years since, he said to a Church-warden, Come, let you and I hold together, and we won't value the other Church-warden. What he means by their not being for his Turn, or his desiring a certain Church-warden, that they might hold together, is not so great a Mystery, but may easily be interpreted.

3dly, They do say, Tho' he is pleased to stigmatize them as Fanatics, they believe they have little Occasion to make any Apology for their sincere and hearty Affection to the Church of *England*; they will boldly say in all this Contention they have acted nothing out of Spleen, but all for the Good and Benefit of the Parish, to whom they are accountable; therefore do not strive or contend for any Profit (to themselves) but doubts not but the Vicar strives and contends for fear of being kept out of it.

The Vicar says, in the Close of his Case, *The oppressed Vicar does verily believe Mr. Arch-Deacon's not swearing Cullimore his Church-warden (as he was directed to do by my Lord Bishop of Winchester, upon Mr. Ward's Complaint) to be the Occasion of all his subsequent Troubles.*

What relates in this Paragraph to Mr. Arch-Deacon, that the Church-wardens will not presume to answer, he being sufficiently able to justify what he did, if it be worth his Trouble: But as to any ill Usage or Oppression Mr. *Ward* hath received from

from the Church-wardens or any of their Abettors, that they are strangers to; but doubts not, if he would seriously reflect, he might easily find from whence it sprang.

The Church-wardens farther say, That they did very often solicit the Vicar to Register on *Sundays*, after Divine-Service, according to the 70th Canon, and was a long time before they could perswade him to do it at all, which at last they brought him to do, but hath since been sufficiently neglected by him, tho' often importun'd thereto, having not register'd above four times since their being Church-wardens.

Upon the whole, they appeal and submit themselves to all impartial and judicious Persons, who is or hath been the Occasion of these Contentions and Prosecutions.

F I N I S.
